

(Appeal of Planning Commission Action)

RESOLUTION NO. A-\_\_\_\_\_

SPECIAL PERMIT NO. 04065

1 WHEREAS, University Place, LLC has submitted an application  
2 designated as Special Permit No. 04065 for authority to sell alcoholic beverages for  
3 consumption on the premises for a beer garden at Risky's Sports Bar and Grill  
4 generally located at 4680 Leighton Avenue, legally described as:

5 Lot 1, UPC First Addition, Lincoln, Lancaster County,  
6 Nebraska; and

7 WHEREAS, the Lincoln City-Lancaster County Planning Commission held  
8 a public hearing on January 5, 2005 and denied Special Permit No. 04065; and

9 WHEREAS, Craig D. Wittstruck, on behalf of University Plac, L.L.C., has  
10 appealed the action of the Lincoln City-Lancaster County Planning Commission's denial  
11 of Special Permit No. 04065; and

12 WHEREAS, the real property adjacent to the area included within the site  
13 plan for this permit to sell alcoholic beverages on the premises will not be adversely  
14 affected; and

15 WHEREAS, said site plan together with the terms and conditions  
16 hereinafter set forth are consistent with the intent and purpose of Title 27 of the Lincoln  
17 Municipal Code to promote the public health, safety, and general welfare; and

18 WHEREAS, the final action of the Lincoln City-Lancaster County Planning  
19 Commission denying Special Permit No. 04065 should be reversed.

1                   NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of  
2 Lincoln, Nebraska:

3                   That the application of University Place, LLC, hereinafter referred to as  
4 "Permittee", to sell alcoholic beverages for consumption on the premises for a beer  
5 garden at Risky's Sports Bar and Grill on property legally described above be and the  
6 same is hereby granted under the provisions of Section 27.63.680 of the Lincoln  
7 Municipal Code upon condition that operation of said licensed premises be in strict  
8 compliance with said application, the site plan, and the following additional express  
9 terms, conditions, and requirements:

10                  1.     This permit approves the sale of alcoholic beverages for  
11 consumption on the premises at Lot 1, UPC First Addition, as shown on the revised site  
12 plan.

13                  2.     Before receiving building permits:

14                       a.     The Permittee must complete the following instruction and  
15 submit the documents and plans to the Planning Department  
16 for review and approval:

17                           i.     Six copies of a revised site plan approved by the  
18 Public Works & Utilities Department.

19                           ii.    The following notes added to the site plan:

20                               (1)    There shall be no amplified noise source  
21 associated with the beer garden.

22                               (2)    The access door shall remain closed at all  
23 times except when used to enter and exit the  
24 outdoor premises.

1 (3) Any lighting must be shielded so it does not  
2 shine directly on adjacent properties and must  
3 comply with the Design Standards for Parking  
4 Lot Lighting.

5 b. Submit a revised and completed ownership certificate  
6 prepared and signed by an attorney, title company, or  
7 abstractor. It must include the legal description of the  
8 subject property.

9 3. Before the sale of alcohol for consumption on the premises, all  
10 development and construction must conform to the approved plans.

11 4. The site plan approved by this permit shall be the basis for all  
12 interpretations of setbacks, yards, locations of buildings, location of parking and  
13 circulation elements, and similar matters.

14 5. The terms, conditions, and requirements of this resolution shall be  
15 binding and obligatory upon the Permittee, its successors, and assigns. The building  
16 official shall report violations to the City Council which may revoke the special permit or  
17 take such other action as may be necessary to gain compliance.

18 6. The Permittee shall sign and return the City's letter of acceptance  
19 to the City Clerk within 30 days following approval of the special permit, provided,  
20 however, said 30-day period may be extended up to six months by administrative  
21 amendment. The City Clerk shall file a copy of the resolution approving the special  
22 permit and the letter of acceptance with the Register of Deeds, filing fees therefor to be  
23 paid in advance by the Permittee.

Introduced by:

\_\_\_\_\_

Approved as to Form & Legality:

\_\_\_\_\_  
City Attorney

Approved this \_\_\_\_ day of \_\_\_\_\_, 2005:

\_\_\_\_\_  
Mayor